

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JESSIE ROSNER,

Plaintiff,

v.

WELLPATH, et al.,

Defendants.

No. 1:24-cv-01145-SAB (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME TO
FILE AN AMENDED COMPLAINT

(ECF No. 12)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On October 31, 2024, the Court screened Plaintiff first amended complaint, found no cognizable claims, and granted Plaintiff the opportunity to amend the complaint. (ECF No. 7.) On November 21, 2024, the Court granted Plaintiff thirty additional days to file an amended complaint. (ECF No. 10.) Plaintiff failed to file an amended complaint, and an order to show cause why the action should not be dismissed was issued on January 7, 2025. (ECF No. 11.)

On January 23, 2025, Plaintiff filed the instant motion for an extension of time to file an amended complaint. Therein, Plaintiff seeks an additional thirty days to file an amended complaint due to the lack of library access at the Madera County Jail.

Inasmuch as Plaintiff has now filed a motion for an extension of time to file an amended complaint, the Court will discharge the pending order to show cause, and, on the basis of good cause grant Plaintiff an extension of time to file an amended complaint. However, Plaintiff is advised that he must comply with all deadlines in a timely manner or the action will be dismissed.

1 Plaintiff was advised in the Court's First Informational Order In Prisoner/Civil Detainee Civil
2 Rights Case, issued September 27, 2024, that "[i]n litigating this action, the parties must comply
3 with this Order, the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), and the Local Rules of
4 the United States District Court, Eastern District of California ("Local Rules"), as modified by
5 this Order. Failure to so comply will be grounds for imposition of sanctions which may include
6 dismissal of the case. Local Rule 110; Fed. R. Civ. P. 41(b)." (See Doc. 3 at 1.) Plaintiff was
7 further advised that "[a]bsent good cause, all Court deadlines are strictly enforced. Requests for
8 time extensions must be filed before the deadline expires and must state good reason for the
9 request. Local Rule 144." (*Id.* at 5.) Plaintiff's instant motion for an extension of time was not
10 timely filed. Nonetheless, the Court will discharge the order to show cause and grant Plaintiff
11 thirty days to file an amended complaint. Plaintiff is advised that a failure to comply with future
12 court orders—particularly deadlines expressly imposed by court order—or the Federal Rules of
13 Civil Procedure and this Court's Local Rules will result in a recommendation that this action be
14 dismissed for his failure to comply with court orders.

15 Accordingly, it is HEREBY ORDERED that:

- 16 1. The Court's January 7, 2025, order to show cause, (ECF No. 11), is
17 DISCHARGED;
- 18 2. Plaintiff is granted thirty (30) days from the date of service of this order to file an
19 amended complaint; and
- 20 3. Failure to comply with this order will result in a recommendation to dismiss the
21 action for failure to state a cognizable claim for relief, failure to prosecute, and
22 failure to comply with a court order.

23 IT IS SO ORDERED.

24 Dated: **January 24, 2025**



25 STANLEY A. BOONE
26 United States Magistrate Judge
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